

CHAPTER 4000 NON DISCRIMINATION – MINORITY AFFAIRS

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4100 DSHS NON-DISCRIMINATION POLICY

Children's Administration (CA) shall comply with the Department of Social and Health Services (DSHS) non-discrimination policy and plan. See chapter 5000, section 5623, for non-discrimination provisions related to Blood Borne Infections.

- A. No person shall be subjected to discrimination because of race, color, national origin, sex, age, religion, creed, marital status, disabled veteran or Vietnam era veteran status, disability, or sexual orientation. This policy applies to every aspect of CA programs, practices, policies, and activities, as well as to those of its contractors and licensees.
- B. DSHS policy does not apply to religious corporations, associations, educational institutions, or societies with respect to employment of individuals of a particular religion. Marital status, disabled veteran status, and Vietnam Era Veteran status only apply to employment practices.
- C. Sexual orientation is a criterion mandated by Governor's Executive Order #93-07. This criterion only applies to state government employment and does not apply to employment by contractors unless provided for under local law.
- D. DSHS and CA policy are consistent with the Civil Rights Act of 1964, as amended; the Multi-Ethnic Placement Act (MEPA); the Inter-Ethnic Placement Act (IEPA); the Americans with Disabilities Act of 1990; Washington State Law Against Discrimination, chapter 49.60 RCW; and Governor's Executive Order 93-07.

4200 WORK FORCE DIVERSITY

- A. CA is an equal opportunity employer and bases its employment practices on Affirmative Action requirements. The Administration's Affirmative Action Plan establishes hiring targets by job groups and protected group categories for all permanent classified positions.
- B. The Administration's goal is to achieve a statewide workforce that reflects the ethnic and cultural composition of the client population in each service delivery area. In order to meet this goal, each region and headquarters maintains a staff recruitment plan which identifies hiring targets that are based on the ethnic and cultural composition of the client population and includes persons of disabilities.

4300 CULTURALLY RELEVANT SERVICES

CA respects and supports the ethnic identity and cultural diversity of the children and families it serves and seeks to provide culturally relevant services and to prevent discrimination on the basis of race, color, national origin, or disability in every aspect of service delivery.

4310 Placement

- A. For adoption and out-of-home case planning, see *CA Case Services Policy Manual*, Chapter 4000, section 4500.
- B. For expectations regarding assessment of the suitability of prospective foster and adoptive parents to care for a particular child, see the *CA Case Services Policy Manual*, Chapter 4000, section 4400, and Chapter 8000, section 8300, and the *CA Practices and Procedures Guide*, Chapter 4000, section 4200.
- C. CA must not deny any individual the opportunity to become an adoptive or a foster parent on the basis of race, color, or national origin of the individual or of the child involved; and shall not delay or deny the placement of a child for adoption or into foster care on the basis of race, color, or national origin of the adoptive or foster parent or the child involved.
- D. When family members cannot be located, foster or adoptive parents with the greatest ability to meet the child's psychological needs will be selected. In assessing the suitability of prospective foster and adoptive parents to care for a particular child, the CA social worker will consider the following factors:
 - 1. The family's ability to form relationships and to bond with the child.
 - 2. The family's ability to help the child integrate into the family.
 - 3. The family's ability to accept the child's background and help the child cope with her or his past.
 - 4. The family's ability to accept the behavior and personality of the child.
 - 5. The family's ability to validate the child's cultural and ethnic background. A foster or adoptive family need not be of the same ethnic background as the child in order to meet the ethnic or cultural needs of the child. Unless CA staff identifies a compelling reason, the CA social worker will not match a child to a placement family on the basis of race of the child or family.
 - a. The family's ability to cope with any forms of discrimination the child may encounter.
 - b. The family's ability to care for or nurture self-esteem in a child of a different race or ethnicity.
 - c. The family's ability to maintain the child's ties to another racial, ethnic, or cultural community.
 - 6. The family's ability to meet the child's educational, developmental, or psychological needs.

- E. In order to assess culturally competent practice when reviewing cases for general practice considerations, the supervisor for the assigned social worker routinely will look for documentation of:
 1. Consistent use of interpreters and translations when appropriate.
 2. Use of culturally relevant resources.
 3. Clear permanency planning that involves the child's family, their preferences, and ethnic community resources.
 4. Family member placement resources and decisions made regarding the use of those resources.
 5. Support services directed at increasing the capacity of family members to provide placement.
 6. The ability of the foster or adoptive parents to nurture, support, and reinforce the child's identity.
 7. The use of cultural consultation and resources by the social worker and the foster family.
 8. All placement decisions and any placement changes.
 9. Reasons for selection of a particular placement resource for a child. Unless CA staff identifies a compelling reason or ICWA applies, the CA social worker will not match children to a foster or adoptive family on the basis of race of the child or the family.

4320 Limited English Proficiency (LEP)

- A. CA provides equal access to its services and programs to persons who do not speak English or have a limited ability to speak or read English well enough to understand and communicate effectively. Each limited English proficient (LEP) person must be provided oral and written information in their own language through certified or qualified interpreters and translators at every aspect of service delivery. LEP clients must be informed that they have the right to an interpreter or translator at no cost and without significant delay.
- B. In order to ensure equitable service delivery to LEP clients, each DCFS and DLR region shall:
 1. Post in each reception area multilingual signs, which explain the availability of interpreter/translator services at no cost to the client.
 2. Establish with the client the primary language in which the client prefers to communicate.

3. Record each client's primary language in the case file and in CAMIS.
 4. Mark LEP on the outside of each limited English proficient client's file.
 5. Indicate the name and date for each interpreter or translator used for each client in the service episode record (SER) or in the case file on the Client Language/Accommodation Assessment form.
 6. File copies of translated documents in the case record with their corresponding English versions.
 7. Obtain the services of an interpreter for limited English speaking clients, even though they have not requested the assistance of an interpreter, whenever there is difficulty in communication.
- C. The following resources are available to CA staff to provide certified and qualified interpreters and translators for clients:
1. Identified staff members whose bilingual skills have been certified by passing a DSHS language fluency examination or by a DSHS recognized professional organization such as the American Translators Association or the State of Washington Administrator for the Courts.
 2. AT&T Language Line Services which can access highly trained interpreters and linguists who speak more than 140 languages from any telephone, 24 hours a day. Toll free: 1-800-572-6096.
 3. Certified or qualified interpreters or interpreter/translation agencies under contract to the Children's Administration.
 4. DSHS Office of Language Interpreter Services and Translations (LIST) which will translate or coordinate translation of forms, publications, and information for clients.
- D. Clients have the right to secure, at their expense, their own interpreter or to have a family member or friend serve as their interpreter. This does not waive CA's responsibility to arrange for a certified or qualified interpreter. CA staff shall not allow children to serve as interpreters for their parents.

4330 Serving Persons with Disabilities

- A. CA staff will provide equal access to its services and programs to persons who are deaf, deaf-blind, and hard of hearing in accordance with DSHS Administrative Policy 7.20.
- B. CA provides equal access to its services and programs to persons with disabilities. The Administration will provide reasonable accommodations to all clients with disabilities and take steps to furnish appropriate auxiliary aids and services whenever necessary to make services accessible to persons with disabilities.

- C. Primary consideration will be given to the preferences of the individual with the disability in determining what type of auxiliary aid or service is necessary. These auxiliary aids or services include, but are not limited to:
1. Telecommunications devices for the deaf (TDD). These devices are connected to telephone lines and enable persons who are deaf or hard of hearing to communicate through printed messages. Each local office must be equipped with a TDD or teletypewriter (TTY).
 2. Washington State Telecommunications Relay Service, a statewide 800 service, which relays messages from TDD users to telephones. Telebraille is also available through the relay service.
 3. American Sign Language (ASL), the native language of the deaf community in the United States. ASL is a visual-gestured language with vocabulary and grammar, which is different from English.
 4. Sign language interpreters. Whenever available, the services of an interpreter who is certified by the Registry of Interpreters for the Deaf (RID) and/or the National Association of the Deaf (NAD) is to be secured. If a certified interpreter is not available, a non-certified interpreter deemed qualified by the client may be used. A certified interpreter must be used for all medical and legal appointments.
 5. Lip-reading or note writing.
 6. Qualified readers who read standard print materials to visually impaired or blind persons.
 7. Extra large print versions of materials.
 8. ASCII (American Standard Code for Information Interchange) text files for voice synthesizers and computer screen magnification.
 9. Braille transcriptions.

4400 NON-DISCRIMINATION RESPONSIBILITIES OF CONTRACTORS

For responsibilities of contractors relative to non-discrimination, see chapter 10000, section 10600, and the DSHS Basic Contract, General Terms and Conditions.

4500 FOSTER AND ADOPTIVE HOME RECRUITMENT

4510 Inter-Ethnic Placement Act of 1996 (42 USC 671a)

- A. The Multi-Ethnic Placement Act (MEPA), as amended in 1996 by the Inter-Ethnic Placement Act (IEPA), mandates that race, culture, or ethnicity may

not be used as the basis for any denial of placement, nor may such factors be used to as a reason to delay any foster or adoptive placement.

1. MEPA and IEPA, as amended, maintains a prohibition against delaying or denying the placement of a child for adoption or foster care on the basis of race, color, or national origin of the adoptive or foster parent, or the child involved.
 2. The act also imposes a Title IV-E State Plan requirement prohibiting delay or denial of foster and adoptive placements on the basis of race, color, or national origin.
 3. Failure to comply with these provisions of the Title IV-E State Plan requirements will subject the department to fiscal sanctions in cases where corrective action plans failure to correct the problem within six months.
- B. MEPA and IEPA, as amended, mandate agencies to provide for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the state for whom foster and adoptive homes are needed. Child welfare agencies must develop a recruitment plan that ensures that foster care and adoptive placements are available to dependent children and those dependent children are not subject to discrimination in their placement.
- 42 USC 671a**
- C. Children falling under the protections of the Indian Child Welfare Act of 1979 are exempt from the provisions of MEPA and IEPA.
- D. CA shall provide for community based recruitment of foster and adoptive families who reflect the racial and ethnic diversity of the children served by the Administration through the Division of Children and Family Services (DCFS), with the assistance of the Division of Licensed Resources (DLR).
1. Each region will maintain a pool of potential foster and adoptive parents who are capable of promoting each child's development and case goals.
 2. Regional recruitment efforts must reach all members of the community and provide potential foster and adoptive parents with information about the needs of available children, the nature of the foster care and adoption processes, and the supports available to foster and adoptive families.
 3. Standards may not be used for foster and adoptive parents which are related to age, education, family structure, and size or ownership of housing or which exclude groups of prospective parents on the basis of race, color, or national origin.

4520 Recruitment Plans

Each DCFS Regional Administrator must develop a comprehensive recruitment plan, which ensures that foster care placements and adoptive homes are available to dependent children, and those dependent children are not subject to discrimination in their placements. This plan will include:

- A. A description of the characteristics of waiting children.
- B. Specific strategies to reach all parts of the community.
- C. Diverse methods of disseminating both general and child specific information.
- D. Strategies for assuring that all prospective parents have access to the home study process, including location and hours of services that facilitate access by all members of the community.
- E. Strategies for training staff to work with diverse cultural, racial, and economic communities.
- F. Strategies for dealing with diverse linguistic barriers.
- G. Non-discriminatory fee structures.
- H. Procedures for a timely search for prospective parents for a waiting child, including the use of exchanges and other interagency efforts, provided that such procedures must ensure that placement of a child in an appropriate household is not delayed by the search for a same race or ethnic placement.

